

FILED

JUL 25 2006

  
CLERK

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

\*\*\*\*\*

MICHEAL BRINGMAN,

Plaintiff,

vs.

DEPARTMENT OF CORRECTIONS;  
WARDEN DOOLEY;

Defendants.

CIV. 06-4059

ORDER ON MOTIONS

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**Motion to Appoint Counsel**

Plaintiff has filed a motion requesting that the court appoint someone trained in the law to represent him. (Doc. 4). "Indigent civil litigants do not have a constitutional or statutory right to appointed counsel." Edgington v. Missouri Dep't of Corrections, 52 F.3d 777, 780 (8th Cir. 1995). The factors relevant to evaluating a request for appointment of counsel include "whether both the plaintiff and the court will benefit from the appointment of counsel, taking into account the factual and legal complexity of the case, the presence or absence of conflicting testimony, and the plaintiff's ability to investigate the facts and present his claim." Davis v. Scott, 94 F.3d 444, 447 (8th Cir. 1996).

This case is not factually complex or legally complex. Like all individuals untrained in the law, plaintiff may benefit from the assistance of counsel, but the court does not find it necessary to appoint counsel in this matter. The court would not benefit from the assistance of counsel at this point in the proceedings. Plaintiff, although incarcerated, is able to investigate the facts of his claim. It is not clear at the present time whether there will be conflicting testimony in this case. Considering all the relevant factors, as discussed above, and upon the record to-date, it is hereby

ORDERED that plaintiff's motion for appointment of counsel (Doc. 4) is DENIED without prejudice.

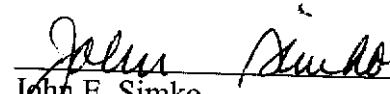
**Motion for Extension of Time to File Amended Complaint**

Plaintiff has requested an extension of time to file an amended complaint as described in the court's order dated June 1, 2006. Good cause appearing, it is hereby

ORDERED that plaintiff's motion for extension (Doc. 12) is GRANTED. Plaintiff may have until September 1, 2006, to file an amended complaint.

Dated this 24<sup>th</sup> day of July, 2006.

BY THE COURT:

  
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John E. Simko  
United States Magistrate Judge

ATTEST:

JOSEPH HAAS, CLERK

By: Sharon Guro, Deputy

(SEAL)